

REMARKS

Claims 14-25 and 27-29 are all the claims presently pending in the application. Claims 14 and 27 have been amended to more particularly define the claimed invention. Claim 26 has been canceled without prejudice or disclaimer, the subject matter of which has been incorporated into claims 14 and 27. Claim 29 has been added to provide more varied protection for the claimed invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claims.

Claims 14 and 27 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 14-17 and 21-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Warlick et al. (U.S. Patent Application Publication No. 2003/0127342; hereinafter "Warlick"). Claims 14, 16, 17 and 21-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Putnam et al. (U.S. Patent Application Publication No. 2004/0248493; hereinafter "Putnam"). Claims 14-17 and 21-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Quantrille et al. (U.S. Patent No. 5,431,991; hereinafter "Quantrille"). Claims 14-17 and 21-27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cohen et al. (U.S. Patent No. 5,736,473; hereinafter "Cohen"). Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Quantrille in view of Meitner et al. (U.S. Patent No. 4,426,417) (hereinafter "Meitner"). Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen in view of Meitner. Claims 15 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Putnam.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention of exemplary claim 1 provides a woven/non-woven fabric wherein the fibers are bound in a horizontal direction co-planar with a plane of the web and in a transversal direction perpendicular to the plane of the web (see Application at page 9, lines 1-4). This combination of features provides a fabric that is reusable, tear-resistant when dry or soaked, very high in absorption capacity, ecological and biodegradable (see Application at page 2, lines 10-12).

II. THE 35 U.S.C. §112, FIRST PARAGRAPH, REJECTION

Claims 14 and 27 stand rejected under 35 U.S.C. §112, first paragraph, as failing To comply with the written description requirement. Specifically, the Examiner alleges that the limitation of “substantially uniform length” has not been provided for in the previous set of claims or the specification. Applicants respectfully disagree.

First, Applicants point out that in the Examiner’s Response to Amendment (e.g., see Office Action dated February 24, 2006 at page 2, numbered paragraph 2) the Examiner indicates that the “rejection of claims 14 and 27 under 35 USC § 112 1st has been withdrawn as one of ordinary skill in the art would have been able to reasonably conclude what the limitation of ‘substantially uniform length’ is intended to mean”. Therefore, it appears that the Examiner has included this rejection in error.

Furthermore, as previously argued in the Amendment filed on October 17, 2005, this feature of the claimed invention of claims 14 and 27 is clearly set forth in the original specification. Indeed, the specification clearly states that “if there is a significant difference in the length of the fibers, then the fibers will be laid on the belt in an irregular way. Such irregularity of the fibers would produce an uneven web” (see Application at page 9, lines 19-21).

Applicants point out that there is no requirement in the M.P.E.P. that the language recited in a claim must be identical to that used to describe the claimed feature in the specification. That is, the M.P.E.P. clearly sets forth that “[t]o satisfy the written description requirement, a patent specification must describe the invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention” (see M.P.E.P. § 2163).

Applicants submit that one of ordinary skill in the art would reasonably conclude that the inventors were in possession of the claimed invention, including the limitation of “substantially uniform length” in view of the above disclosure provided in the original specification.

Furthermore, the burden is on the examiner with regard to the written description requirement. That is, a written description as filed is presumed to be adequate. The Examiner has the initial burden of rebutting this presumption by providing evidence or reasoning to the contrary. The Examiner must set forth express findings of facts to support a lack of written description rejection, including providing reasons why a person of ordinary skill in the art would not have recognized that the inventor was in possession of the claimed invention (see M.P.E.P. § 2163). Applicants respectfully submit that the Examiner has not met this initial burden.

Thus, if the Examiner wishes to maintain this rejection, Applicants respectfully request the Examiner to provide explicit reasoning and evidence to support the rejection.

Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

III. THE PRIOR ART REJECTIONS

A. The Warlick Reference

The Examiner alleges that Warlick teaches the claimed invention of claims 14-17 and 21-27. Applicants submit, however, that there are features of the claimed invention, which are neither taught nor suggested by Warlick.

That is, Warlick does not teach or suggest “*wherein said fibers are bound in a horizontal direction co-planar with a plane of the web and in a transversal direction perpendicular to the plane of the web*”, as recited in exemplary claim 14, and similarly recited in claim 27.

The Examiner attempts to rely on the Abstract of Warlick to support his allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in this passage (nor anywhere else for that matter) does Warlick teach or suggest a woven/non-woven fabric including a plurality of waste fibers wherein the fibers are bound in a horizontal direction co-planar with a plane of the web and in a transversal direction perpendicular to the plane of the web. Indeed, the Examiner does not even suggest that Warlick teaches or suggests this feature.

The Examiner merely alleges that one of the embodiments of Warlick “calls for hydroentanglement” (see Office Action dated February 24, 2006 at page 5). Indeed, Warlick merely teaches that the fibers may be entangled. Nowhere, however, does Warlick teach or suggest the specific manner in which the fibers are bound as recited in the claimed invention. That is, in accordance with the claimed invention of claim 14, the fibers may be bound in a horizontal direction planar to a plane of the web and a transversal direction perpendicular to the plane of the web. This feature is not taught or suggested by Warlick.

Furthermore, Warlick teaches a non-woven fabric where the web includes a waterproofing material and a UV inhibitor for the production of bales covers and where the waste cotton fibers are disposed in surrounding relation to the material. The claimed

invention may include only 100% pure cotton fibers from binders or chemical substances bound in horizontally and co-planarly.

Therefore, Applicants submit that there are features of the claimed invention that are neither taught nor suggested by the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

B. The Putnam Reference

The Examiner alleges that Putnam teaches the claimed invention of claims 14, 16, 17 and 21-27. Furthermore, the Examiner alleges that the claimed invention of claims 15 and 28 would have been obvious in view of Putnam. Applicants submit, however, that there are features of the claimed invention, which are neither taught nor suggested by Putnam.

That is, Putnam does not teach or suggest “*wherein said fibers are bound in a horizontal direction co-planar with a plane of the web and in a transversal direction perpendicular to the plane of the web*”, as recited in exemplary claim 14, and similarly recited in claim 27.

The Examiner attempts to rely on the Abstract of Putnam to support his allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in this passage (nor anywhere else for that matter) does Putnam teach or suggest a woven/non-woven fabric including a plurality of waste fibers wherein the fibers are bound in a horizontal direction co-planar with a plane of the web and in a transversal direction perpendicular to the plane of the web. Indeed, the Examiner does not even suggest that Putnam teaches or suggests this feature.

The Examiner merely alleges that one of the embodiments of Putnam “calls for hydroentanglement” (see Office Action dated February 24, 2006 at page 6). Indeed, Putnam merely teaches that the fibers may be entangled. Nowhere, however, does Putnam teach or suggest the specific manner in which the fibers are bound as recited in

the claimed invention. That is, in accordance with the claimed invention of claim 14, the fibers may be bound in a horizontal direction planar to a plane of the web and a transversal direction perpendicular to the plane of the web. This feature is not taught or suggested by Putnam.

Furthermore, Putnam teaches that the non-woven fibers must include one type of reconstituted fibers. This means that the web is not made only from pure cotton.

Moreover, the length of the fibers in Putnam is between 0.13 inches and 1.00 inch or from 0.25 inches to 0.75 inches. Putnam teaches a wide range of fiber lengths, whereas the claimed invention provides a fibers that may have a length between 8 mm to 18 mm.

Additionally, Putnam teaches a denier in the range of 1.0 to 22.0. The claimed invention may have fibers with a denier not greater than 4.5 micrograms per inch.

Therefore, Applicants submit that there are features of the claimed invention that are neither taught nor suggested by the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

C. The Quantrille Reference

The Examiner alleges that Quantrille teaches the claimed invention of claims 14-17 and 21-27. Applicants submit, however, that there are features of the claimed invention, which are neither taught nor suggested by Quantrille.

That is, Quantrille does not teach or suggest “*wherein said fibers are bound in a horizontal directionco-planar with a plane of the web and in a transversal direction perpendicular to the plane of the web*”, as recited in exemplary claim 14, and similarly recited in claim 27.

The Examiner attempts to rely on column 3, lines 32-40 of Quantrille to support his allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in this passage (nor anywhere else for that matter) does Quantrille teach or suggest a woven/non-woven fabric including a plurality of waste fibers wherein the fibers are bound in a horizontal direction co-planar with a plane of the web and in a transversal direction perpendicular to the plane of the web. Indeed, the Examiner does not even suggest that Quantrille teaches or suggests this feature.

The Examiner merely alleges that one of the embodiments of Quantrille “calls for hydroentanglement” (see Office Action dated February 24, 2006 at page 7). Indeed, Quantrille merely teaches that the fibers may be entangled. Nowhere, however, does Quantrille teach or suggest the specific manner in which the fibers are bound as recited in the claimed invention. That is, in accordance with the claimed invention of claim 14, the fibers may be bound in a horizontal direction planar to a plane of the web and a transversal direction perpendicular to the plane of the web. This feature is not taught or suggested by Quantrille.

Therefore, Applicants submit that there are features of the claimed invention that are neither taught nor suggested by the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

D. The Cohen Reference

The Examiner alleges that Cohen teaches the claimed invention of claims 14-17 and 21-27. Applicants submit, however, that there are features of the claimed invention, which are neither taught nor suggested by Cohen.

That is, Cohen does not teach or suggest “*wherein said fibers are bound in a horizontal direction co-planar with a plane of the web and in a transversal direction perpendicular to the plane of the web*”, as recited in exemplary claim 14, and similarly recited in claim 27.

The Examiner attempts to rely on column 9, lines 25-31 of Cohen to support his allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in this passage (nor anywhere else for that matter) does Cohen teach or suggest a woven/non-woven fabric including a plurality of waste fibers wherein the fibers are bound in a horizontal direction co-planar with a plane of the web and in a transversal direction perpendicular to the plane of the web. Indeed, the Examiner does not even suggest that Cohen teaches or suggests this feature.

The Examiner merely alleges that one of the embodiments of Cohen “call for hydroentanglement of staple fibers” (see Office Action dated February 24, 2006 at page 8). Indeed, Cohen merely teaches that the fibers may be entangled. Nowhere, however, does Cohen teach or suggest the specific manner in which the fibers are bound as recited in the claimed invention. That is, in accordance with the claimed invention of claim 14, the fibers may be bound in a horizontal direction planar to a plane of the web and a transversal direction perpendicular to the plane of the web. This feature is not taught or suggested by Cohen.

Therefore, Applicants submit that there are features of the claimed invention that are neither taught nor suggested by the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

E. The Meitner Reference

The Examiner alleges that Meitner would have been combined with Quantrille to teach the claimed invention of claim 28. Furthermore, the Examiner alleges that Meitner would have been combined with Cohen to teach the claimed invention of claim 28.

Applicants respectfully submit, however, that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, neither Quantrille, Cohen, Evans nor Meitner, nor any combination thereof, teaches or suggests “*wherein said fibers are bound in a horizontal direction co-planar with a plane of the web and in a transversal direction perpendicular to the plane of the web*”, as recited by exemplary claim 14, and similarly recited in claim 27.

Applicants have provided traversal arguments above (e.g., see sections C and D above), which clearly explain that this feature is not taught or suggested by Quantrille nor Cohen. The above traversal arguments are incorporated herein.

Furthermore, Applicants submit that Meitner does not make up the deficiencies of Quantrille nor Cohen.

Indeed, the Examiner attempts to rely on the Abstract and Table 1 of Meitner to support his allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in the Abstract nor Table 1 (nor anywhere else for that matter) does Meitner teach or suggest a woven/non-woven fabric including a plurality of waste fibers wherein the fibers are bound in a horizontal direction co-planar with a plane of the web and in a transversal direction perpendicular to the plane of the web. Indeed, the Examiner does not even allege that Meitner teaches or suggests this feature. The Examiner merely relies on Meitner as teaching staple fibers having a thickness in range of 1 mm to 10 mm.

Thus, Meitner fails to make up the deficiencies of Quantrille, Cohen and Evans.

Therefore, Applicants respectfully submit that, even if combined, the alleged combination of references does not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

IV. NEW CLAIM

Claim 29 has been added to provide more varied protection for the claimed invention and to claim additional features of the invention. This claim is independently patentable because of the novel and non-obvious features recited therein.

Applicants respectfully submit that new claim 29 is patentable over the cited prior art references at least based on analogous reasons to those set forth above with respect to claims 14-25, 27 and 28.

V. FORMAL MATTERS AND CONCLUSION


In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 14-25 and 27-29, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: May 24, 2006


Scott M. Tulino, Esq.
Registration No. 48,317

Sean M. McGinn, Esq.
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254